



Town of Moultonborough Planning Board

Notice of Decision

Conditional Use Permit

Nica-Lee Realty Trust/Tax Map 44, Lot 33

December 21, 2009

Applicant: Nica-Lee Realty Trust
P.O. Box 52
Moultonborough, NH 03254
Location: NH Route 25 (Tax Map 44, Lot 33)

On October 14, 2009 the Planning Board of the Town of Moultonborough opened a public hearing on the application of Nica-Lee Realty Trust, P.O. Box 52, Moultonborough, NH 03254 (hereinafter referred to as the “Applicant” and/or “Owner”) to allow for conditional use for erection of a fence within the fifty (50) foot wetlands setback in the Commercial C Zoning District.

The Public Hearing was continued to November 10, 2009, November 24, 2009, December 9, 2009 and December 21, 2009. The Public Hearing was closed on December 21, 2009. At the regularly scheduled Planning Board meeting on December 21, 2009, the Board voted by a vote of five (5) in favor (Ryerson, King, Coppinger, Fairchild, Taussig), none (0) opposed, to **GRANT** the applicant’s request for a Conditional Use Permit subject to the following conditions:

1. Conformance with Plan

Work shall conform with the plans entitled, “Site Plan – Land of Nica-Lee Realty Trust, Michael J. Morgan Trustee (Tax Map 44, Lot 33)”, prepared by David M. Dolan Associates, P.C., 87 Whittier Highway, Moultonborough, NH 03254, dated September 22, 2009, and revised December 3, 2009.

2. Amendments

Any modification to the approved amended plan dated December 3, 2009 and any modification of any condition of this approval, together with previous approvals unless otherwise specified in this decision, must receive the prior approval of the Planning Board, unless deemed insignificant by the Town Planner. In such case the applicant shall submit to the Planner the requested changes who shall seek Board approval of the changes. The applicant will not proceed unless the Planner first provides written approval of the requested insignificant changes.

3. Endorsement of Plan

Following the vote of approval by the Planning Board, and the statutory thirty (30) day appeal period in accordance with RSA 677:15, the Planning Board Chairman shall sign the approved plan, subject to conditions of this approval, which shall be recorded at the Carroll County Registry of Deeds. The conditions of approval of this Conditional Use Permit shall be placed on the final plans, or this Notice of

Decision and said plans shall be recorded at Carroll County Registry of Deeds within ninety (90) days of signing of the plans by the Planning Board Chair and prior to any construction commencing.

4. Fire Department

All work shall comply with the requirements of the Moultonborough Fire Department as affected by this decision.

5. Office of the Building Inspector

All work shall comply with the requirements of the office of the Moultonborough Building Inspector as affected by this decision.

6. Flagging of Wetland

Flagging of the 50-foot buffer shall be required before and during any construction.

7. Application of Best Management Practices

Applicable industry Best Management Practices shall be employed for all construction activities on the site.

8. Testimony and Representation at Public Meetings

All testimony and representations made by the applicant or their representatives during the Public Hearing(s) and Public Meeting(s) shall be incorporated into this approval and part of this Notice of Decision.

9. Right to Amend Decision

The Planning Board reserves the right to modify or amend this approval on application of the owner, lessee, or mortgagee of the premises, or upon its own motion, as permitted by the Town of Moultonborough Site Plan Regulations, Section 6, and RSA 676:4.

10. Violations

Violations of any condition of this decision shall result in placement of a Stop-Work Order or a Cease and Desist Order, as appropriate, on the property by the Building Inspector and/or the Planning Board, unless the violation of such condition is cured within fourteen (14) days, or waived by a majority vote of the Planning Board. Outstanding violations of the approved plans or conditions of approval may result in the revocation of this approval by the Planning Board.

This decision shall not take effect until thirty (30) days have elapsed and no appeal has been filed or that if such appeal has been filed, and it has been dismissed or denied, it is recorded in the Carroll County Registry of Deeds, in accordance with RSA 677:15.

R. Natt King
Vice-Chairman, Planning Board

Date _____